

AO 106 (Rev. 7/87) Affidavit for Search Warrant α

United States District Court

In The

DISTRICT OF

FILED

New Mexico

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

NOV 09 2015

The person of Maynard Shirley

MATTHEW J. DYKMAN
CLERK**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

CASE NUMBER:

15-MR-718I, Cary Cahoon being duly sworn depose and say:I am a(n) Special Agent of the FBI and
have reason to believe

Official Title

that on the person of (name, description and/or location)

Maynard Shirleyin the _____ District of New Mexico

there is now concealed a certain person or property, namely (describe the person or property to be seized)

DNA evidence in the form of saliva with a buccal swab and blood with a finger prick.

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

Evidence of a Crimeconcerning a violation of Title 18 United States code, Section(s) 1111, 1153, 113 (a)(6), 113 (a)(3), 2

The facts to support a finding of Probable Cause are as follows:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof.

: Yes

No

Signature of Affiant

Cary Cahoon

Special Agent

Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence

11-9-15

Date

Farmington, NM

City and State

B. Paul Briones, US Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AFFIDAVIT

I, Cary Cahoon, being duly sworn, hereby depose and say:

1. I am a Special Agent (SA) with the United States Department of Justice, Federal Bureau of Investigation (FBI), and have been employed as such since 1999. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility in crimes that occur in Indian Country, including violent crimes such as homicide, robbery, arson, aggravated assault, and sexual assault. I am also responsible for investigating all other federal crimes for which the FBI investigates in the San Juan County area of New Mexico. The information set forth in this affidavit has been derived from an investigation conducted by affiant, Shiprock Criminal Investigator Jefferson Joe (Navajo Department of Criminal Investigations), and/or communicated to me by other law enforcement officers and witnesses.

2. On March 21, 2015, at approximately 3:00 a.m., law enforcement responded to a residence in Fruitland, New Mexico (Navajo Nation Indian Reservation), where John Doe was found deceased and appeared to have been stabbed multiple times. Autopsy results from the Office of the Medical Investigator (OMI) indicated that John Doe's cause of death was due to sharp force injuries to his head and chest, and the manner of death was homicide.

3. Additionally, John Doe's father (Hereinafter referenced as John Doe 2), who also lived at said residence, was seriously wounded and subsequently rushed to the San Juan Regional Medical Center, Farmington, New Mexico, and treated for a collapsed lung

and multiple stab wounds.

4. A witness (Hereinafter referenced as Jane Doe) at the residence stated that three males, whom she identified as Elijah Shirley, Maynard Shirley and Michael Shirley, broke into the residence and attacked and killed John Doe and seriously wounded John Doe 2. Jane Doe knew the three men, whom she identified as brothers, because she had been in a relationship with Elijah Shirley for more than 10 years and had lived at the Shirley family home on and off during that time period. Jane Doe and Elijah Shirley broke off their relationship approximately one month before said incident. Shortly after breaking off their relationship, Jane Doe began seeing John Doe, who was a good friend of Elijah Shirley. Eventually, Jane Doe moved in with John Doe at his residence. Jane Doe believed the three brothers drove to John Doe's residence in Maynard Shirley's white BMW.

5. Another witness (Hereinafter referenced as Jane Doe 2) who lives at the residence observed three unknown males fighting in the hallway with John Doe and John Doe 2. As Jane Doe 2 yelled at the three unknown males to leave and began walking toward them, one of the unknown males who was holding a "banana" shaped knife or something that looked like a "machete" told her to stay back or he would stab her. John Doe 2 also had observed one of the unknown males holding a "banana" shaped knife during the incident. John Doe 2 observed one of the unknown males holding what looked like a gun. John Doe 2 described the gun as a flare gun and said the unknown male pointed it at John Doe and fired it. Jane Doe 2 also observed an unknown male holding what looked like a gun and then she heard a pop that sounded like a gunshot.

6. The FBI Evidence Response Team (ERT) from the Albuquerque FBI Division processed the crime scene and collected numerous items of evidence. During the crime scene investigation, several different fresh shoe impressions were

located and photographed in the area of the wooden deck leading to the front door, as well as in the dirt area on the north and west sides of the residence. There were not any knives or guns recovered at the scene, however, there was what appeared to be a spent shotgun shell located in the hallway of the residence that was not there prior to said incident. A significant amount of suspected blood was observed and swabbed for evidence in the front living room, the hallway area, bathroom and far west bedroom. Suspected blood also was observed and swabbed for evidence on both the inside and outside of the front door of the residence, as well as the front area outside the residence. The swabs and evidence items collected at the crime scene were subsequently sent to the FBI Laboratory for examination.

7. On March 21 and 22, 2015, attempts by investigators to locate and interview the three Shirley brothers were unsuccessful. Investigators learned on March 21, 2015, that Maynard Shirley and his wife, Arnelia Williams, both of whom were living at the Shirley family home at the time, had cleaned out their room of all their belongings and left the home. Michael Shirley agreed via telephone to meet with investigators later that day (March 21, 2015), but never showed up. Attempts to contact him later were unsuccessful. On that same day (March 21, 2015), the mother of Elijah, Maynard and Michael Shirley told investigators that she did not know the whereabouts of Elijah and Maynard Shirley, or Arnelia Williams.

8. On March 23, 2015, Elijah Shirley was brought to the Navajo Criminal Investigations Office, Shiprock, New Mexico, by family members and then subsequently arrested in connection with the death of John Doe and the assault of John Doe 2.

9. Around the time Elijah Shirley was arrested, investigators learned that Maynard and Michael Shirley, along with Arnelia Williams, were hiding out at a family member's property outside of Farmington, New Mexico, on the Navajo Indian

Reservation. While there, Maynard Shirley's white BMW was burned and left in an area near said property. On March 23, 2015, Maynard and Michael Shirley, along with Arnelia Williams, departed the property in another family member's vehicle.

10. Pursuant to the issuance of an arrest warrant for Maynard and Michael Shirley relative to their involvement in the death of John Doe and the assault of John Doe 2, Maynard Shirley and Arnelia Williams were located and arrested on March 25, 2015, at a residence in Aztec, New Mexico.

11. On March 26, 2015, Michael Shirley was located and arrested in Farmington at the apartment where his girlfriend (Hereinafter referenced as Jane Doe 3) and their two children were living.

12. On May 13, 2015, Jane Doe 3 was interviewed by investigators and provided the following information:

On March 21, 2015, Jane Doe 3 learned about the incident that occurred in Fruitland, New Mexico, however, she didn't learn who did it. It wasn't until March 23, 2015 that she learned the three Shirley brothers were possibly involved in John Doe's death. On March 24, 2015, Jane Doe 3 was telephonically contacted by Arnelia Williams and instructed to pick up Michael Shirley in Aztec, New Mexico. Once in Aztec, Jane Doe 3 picked up Arnelia Williams at Subway, and then picked up Michael Shirley and Maynard Shirley next door. Jane Doe 3 drove them around most of the day to various places in the Farmington area. While driving them around, Maynard Shirley had Jane Doe 3 remove the batteries from her cell phone to prevent the police from tracking their whereabouts. Maynard Shirley also had covered his cell phone with tin foil for the same reason. While driving around, Maynard Shirley told Jane Doe 3 that Elijah Shirley was the main one who killed John Doe and that he, Maynard, wasn't going to get into trouble for something Elijah wanted to do. Michael Shirley

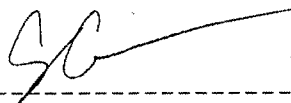
told Jane Doe 3 he had nothing to do with the incident and Maynard Shirley confirmed that Michael Shirley had nothing to do with it. Later that night, Jane Doe 3 dropped off Maynard Shirley and Arnelia Williams in Aztec, and then returned to her residence in Farmington. Michael Shirley then stayed with Jane Doe 3 at her place until the evening of March 26, 2015, when he was picked up there on the outstanding arrest warrant.

13. In connection with the death of John Doe and serious bodily injury of John Doe 2 on March 21, 2015, Elijah, Maynard and Michael Shirley were subsequently indicted on one count of First Degree Murder, Title 18 U.S.C. Section 1111; one count of Assault Resulting in Serious Bodily Injury, Title 18, U.S.C. Section 113(a)(6); and one count of Assault with a Dangerous Weapon. Each count above included violations of Aiding and Abetting, Title 18 U.S.C. Section 2; and Crimes Committed in Indian Country, Title 18, U.S.C. Section 1153.

14. At present, Elijah Shirley is incarcerated at the Sandoval County Jail, Bernalillo, New Mexico; Maynard Shirley is incarcerated at the CCA Torrance County Detention Center, Estancia, New Mexico; and Michael Shirley is incarcerated at the Santa Fe County Adult Detention Center, Santa Fe, New Mexico.

15. Based on the information set forth in this affidavit, your affiant submits there is probable cause to believe that one or more of the evidence items collected by FBI ERT and sent to the FBI Laboratory for examination contain DNA evidence that will match the DNA of Elijah Shirley, Maynard Shirley, and Michael Shirley. Therefore, your affiant requests the approval of a search warrant to obtain the DNA of Elijah Shirley, Maynard Shirley, and Michael Shirley, and that their DNA be obtained in the form of saliva using a buccal swab and blood with a finger prick.

16. I swear that this information is true and correct to the best of my knowledge and belief.



Cary Cahoon
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me on this 9th day of
November 2015.



United States Magistrate Judge